

PATENT COOPERATION TREATY

PCT


INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 03 MAY 2005

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| Applicant's or agent's file reference ES/13370.23 | | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/CA2004/000473 | | International filing date (day/month/year) 26.03.2004 | Priority date (day/month/year) 26.03.2003 | |
| International Patent Classification (IPC) or national classification and IPC C08B30/20 | | | | |
| Applicant LE GROUPE LYSAC INC. et al. | | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | | | |
| Date of submission of the demand 21.10.2004 | | Date of completion of this report 02.05.2005 | | |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | | Authorized Officer West, N Telephone No. +49 89 2399-7582 | | |



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/CA2004/000473

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-20 as originally filed

Claims, Numbers

1-35 received on 22.03.2005 with letter of 22.03.2005

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/CA2004/000473

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-35 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-35 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-35 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/CA2004/000473

Reference is made to the following document/s/:

D2: EP-B-0 000 247 (STALEY MFG CO A E) 4 August 1982 (1982-08-04)

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Novelty:

Document **D2** may be regarded as representing the closest prior art.

D2 discloses in its example I particulate absorbent materials consisting of a molecular network of starch molecules, the starch molecules comprising at least 90% (w/w) amylopectin (waxy maize starch having 100% amylopectin).

The differentiating feature between the subject-matter as presently claimed and the disclosures of **D2** is, that the present application claims that the material must have a particle size of from 89 to 589 micrometers.

Consequently, the claimed subject-matter can be regarded as being novel (Article 33(2) PCT).

2. Inventive Step:

In view of the disclosures of **D2**, the objective problem to be solved by the present application can be represented as providing an improved absorbent material.

The applicant has shown in various examples and comparative examples that the problem posed could be solved by the claimed invention.

The solution was non-obvious, since neither in **D2** alone, nor in combination with any other document known to the examining division, there is given a hint to the skilled man that choosing the particle size to be in the range of from 89 to 589 micrometers allows the manufacture of an absorbent with a free swell capacity of greater than 13 and having at the same time a centrifuge retention capacity of greater than 10.

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This is why, the presence of an inventive step can be acknowledged (Article 33(3) PCT).